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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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Eric H. Baker

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RACUNAS LAW LLC

C/O INTELLEVATE

P.O. BOX 52050

MINNEAPOLIS, MN 55402

EXAMINER

ZIEGLE, STEPHANIE M

ART UNIT

PAPER NUMBER

3684

NOTIFICATION DATE

DELIVERY MODE

11/09/2009

ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

rvr@racunaslaw.com

Office Action Summary	Application No. 10/697,850	Applicant(s) BAKER ET AL.	
	Examiner STEPHANIE ZIEGLE	Art Unit 3684	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 19 October 2009.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-35 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-35 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 19 October 2009 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>19 October 2009</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 19 October 2009 has been entered.

Status of Claims

2. This action is in reply to the RCE filed on 19 October 2009.
3. Claims 1-13, and 21 have been amended.
4. Claims 1-35 are currently pending and have been examined.
5. The objections to the drawings are hereby withdrawn.
6. The 112, 2nd rejections for claims 1 and 13 are hereby withdrawn. A new 112 1st rejection and a new 112 2nd rejection are entered for claims 1-20.

Response to Arguments

7. Applicant's arguments with respect to claims have been considered but are moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 112

8. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

9. Claims 1-20 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. The phrase “choose to receive all of the remaining proceeds of the sale” is new matter. No where in the specification is it stated that the user can choose to receive all of the proceeds from the sale.

10. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

11. Claims 1-20 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. The phrase “choose to receive all of the remaining proceeds of the sale” is vague and indefinite. It is unclear why the user would choose to donate none of the proceeds to the third party, thereby raising a question over the intended metes and bounds implied by this limitation.

Claim Rejections - 35 USC § 103

12. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

13. The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

14. Claims 1-7, 9-11, and 13-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over the WebCharity.com Webpage, hereinafter Webcharity in view of **Official Notice**.

Claim 1:

Webcharity, as shown, discloses the following limitations:

- An online marketplace system for providing logistics for a sale of one or more goods, the online marketplace system being adapted to receive information a seller and a buyer for serving as an intermediary between the seller and the buyer, to present a

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seller interface for receiving information from the seller comprising a seller identity and a description of the one or more goods, to present a listing of the one or more goods on behalf of the seller based on the information received from the seller, to present the buyer with a buyer interface comprising the listing that includes the description of the one or more goods while maintaining the seller identity confidential from the buyer, and to provide financial logistics and shipping logistics for completing the sale of the one or more goods, wherein: [See at least the page entitled How WebCharity Item Donation Work]

- *the seller interface presents available options for directing the remaining proceeds of the sale and receives the option selected by the seller from the available options prior to presenting the listing to the buyer, the available options allowing the seller to choose to receive all of the remaining proceeds of the sale or to select to donate at least a portion of remaining proceeds of the sale to a third party designated by the seller; and [See at least the page entitled How WebCharity Item Donation Work]*
- *the financial logistics include collecting proceeds for the sale of the one or more goods from a financial service provider designated by the buyer, deducting a fee for use of the system from the proceeds collected for the sale, and transferring remaining proceeds of the sale according to an option selected by the seller without requiring interaction between the buyer and seller. [See at least the page entitled How WebCharity Item Donation Work]*

Webcharity also discloses the seller choosing the percentage of the proceeds to be given to the particular charity on at least the page entitled How Webcharity Item Donations work in step 2. While Webcharity is directed mainly to donating a portion of the proceeds of a sale to charity, it does not explicitly say that that the percentage of the proceeds that the seller enters can not be zero. Therefore, Webcharity allows the option of entering zero percent to the user. However, the Examiner takes **Official Notice** that it is old and well known in the auction arts for the seller to maintain all of the proceeds in an auction. It would have been obvious to one

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skilled in the art at the time of the invention to combine the auction and donation of Webcharity with the zero donation because allows for a reminder to the seller that they have the option of backing out of the donation and keeping all of the proceeds for themselves.

Claim 2:

The combination of Webcharity and Official Notice, as shown, discloses all of the limitations of claim 1. Webcharity also discloses the following:

- *wherein the third party comprises a charitable or nonprofit entity.* [See at least the page entitled How WebCharity Item Donation Work]

Claim 3:

The combination of Webcharity and Official Notice, as shown, discloses all of the limitations of claim 1. With regard to the limitation of *wherein the third party comprises a political action committee.*, Webcharity discloses the third party being a charity (See at least the page entitled How WebCharity Item Donation Work]).

Webcharity does not expressly show:

- *wherein the third party comprises a political action*

However these differences are only found in the nonfunctional descriptive material and are not functionally involved in the steps recited. The steps would be performed the same regardless of the type of third party. Thus, this descriptive material will not distinguish the claimed invention from the prior art in terms of patentability, see *In re Gulack*, 703 F.2d 1381, 1385, 217 USPQ 401, 404 (Fed. Cir. 1983); *In re Lowry*, 32 F.3d 1579, 32 USPQ2d 1031 (Fed. Cir. 1994). Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made for the third party to be any type of entity because the type of entity does not functionally relate to the steps in the method claimed and because the subjective interpretation of the data does not patentably distinguish the claimed invention.

Claim 4:

The combination of Webcharity and Official Notice, as shown, discloses all of the limitations of claim 1. Webcharity also discloses the following:

- *wherein the third party comprises a fundraising entity. [See at least the page entitled How WebCharity Item Donation Work]*

Claim 5:

The combination of Webcharity and Official Notice, as shown, discloses all of the limitations of claim 2. Webcharity also discloses the following:

- *wherein said financial logistics comprises providing said entity with information regarding the seller sufficient to allow the entity to generate an acknowledgement for tax reporting purposes. [See at least the page entitled How WebCharity Item Donation Work]*

Claim 6:

The combination of Webcharity and Official Notice, as shown, discloses all of the limitations of claim 1. Webcharity also discloses the following:

- *wherein the system is adapted to receive the information over a computer network. [See at least the page entitled How WebCharity Item Donation Work]*

Claim 7:

The combination of Webcharity and Official Notice, as shown, discloses all of the limitations of claim 6. Webcharity also discloses the following:

- *wherein the financial logistics comprises conducting an auction over the computer network. [See at least the page entitled How WebCharity Item Donation Work]*

Claim 9:

The combination of Webcharity and Official Notice, as shown, discloses all of the limitations of claim 1. Webcharity also discloses the following:

- *wherein the system is adapted to provide the shipping logistics by use of at least one geography-based and time-based strategy.* [See at least the page entitled How WebCharity Item Donation Work]

Claim 10:

The combination of Webcharity and Official Notice, as shown, discloses all of the limitations of claim 9. Webcharity also discloses the following:

- *wherein the goods are time-sensitive.* [See at least the page entitled Buying: All Categories: Tickets]

Claim 11:

The combination of Webcharity and Official Notice, as shown, discloses all of the limitations of claim 10. Webcharity also discloses the following:

- *wherein the goods are event tickets.* [See at least the page entitled Buying: All Categories: Tickets]

Claim 13:

Webcharity, as shown, discloses the following limitations:

- *receiving information at an intermediary computer system from a seller and a buyer for providing an online marketplace for conducting the sale of the one or more goods without requiring interaction between the seller and the buyer; wherein the intermediary system is adapted to collect proceeds of the sale of the one or more*

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goods from a financial service provider designated by the buyer, deduct a fee for the use of the online marketplace from the proceeds of the sale and transfer the remaining proceeds of the sale according to an option selected by the user [See at least the page entitled How WebCharity Item Donation Work]

- *presenting a seller interface to a computer of the seller, the seller interface for providing a the seller with available options for directing the remaining proceeds of the sale and for receiving the option selected by the seller from the available options prior to listing the one or more goods for sale the buyer, the available options allowing the seller to choose to receive all of the remaining proceeds of the sale or to select to donate at least a portion of the remaining proceeds of the sale to a third party designated by the seller; [See at least the page entitled How WebCharity Item Donation Work]*
- *receiving information from the seller via the seller interface, the information including a description of the one or more goods, a method of sale for the one or more goods, an option selected by the seller to donate at least a portion of the remaining proceeds of the sale and an identity of a third party designated by the seller to receive at least a portion of the remaining proceeds of the sale; [See at least the page entitled How WebCharity Item Donation Work]*
- *presenting a listing of the one or more goods on behalf of the seller based on the information received from the seller while maintaining seller identity confidential from the buyer; [See at least the page entitled How WebCharity Item Donation Work]*
- *presenting a buyer interface to a computer of the buyer, the buyer interface comprising the listing including the description of the one or more goods; [See at least the page entitled How WebCharity Item Donation Work]*

- *conducting the sale of the one or more goods over a computer network according to the method of sale;* [See at least the page entitled How WebCharity Item Donation Work]
- *providing financial logistics, transferring at least a portion of the remaining proceeds of the sale for donation on behalf of the seller to the third party designated by the seller; and* [See at least the page entitled How WebCharity Item Donation Work]
- *providing shipping logistics, including arranging for transfer of the one or more goods to the buyer.* [See at least the page entitled How WebCharity Item Donation Work]

Webcharity also discloses the seller choosing the percentage of the proceeds to be given to the particular charity on at least the page entitled How Webcharity Item Donations work in step 2. While Webcharity is directed mainly to donating a portion of the proceeds of a sale to charity, it does not explicitly say that that the percentage of the proceeds that the seller enters can not be zero. Therefore, Webcharity allows the option of entering zero percent to the user. However, the Examiner takes **Official Notice** that it is old and well known in the auction arts for the seller to maintain all of the proceeds in an auction. It would have been obvious to one skilled in the art at the time of the invention to combine the auction and donation of Webcharity with the zero donation because allows for a reminder to the seller that they have the option of backing out of the donation and keeping all of the proceeds for themselves.

Claim 14:

The combination of Webcharity and Official Notice, as shown, discloses all of the limitations of claim 13. Webcharity also discloses the following:

- *wherein the goods are event tickets.* [See at least the page entitled Buying: All Categories: Tickets]

Claim 15:

The combination of Webcharity and Official Notice, as shown, discloses all of the limitations of claim 14. Webcharity also discloses the following:

- *wherein the third party comprises a charitable or nonprofit entity.* [See at least the page entitled How WebCharity Item Donation Work]

Claim 16:

The combination of Webcharity and Official Notice, as shown, discloses all of the limitations of claim 13. With regard to the limitation of *wherein the third party comprises a political action committee.*, Webcharity discloses the third party being a charity (See at least the page entitled How WebCharity Item Donation Work]).

Webcharity does not expressly show:

- *wherein the third party comprises a political action*

However these differences are only found in the nonfunctional descriptive material and are not functionally involved in the steps recited. The steps would be performed the same regardless of the type of third party. Thus, this descriptive material will not distinguish the claimed invention from the prior art in terms of patentability, see *In re Gulack*, 703 F.2d 1381, 1385, 217 USPQ 401, 404 (Fed. Cir. 1983); *In re Lowry*, 32 F.3d 1579, 32 USPQ2d 1031 (Fed. Cir. 1994). Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made for the third party to be any type of entity because the type of entity does not functionally relate to the steps in the method claimed and because the subjective interpretation of the data does not patentably distinguish the claimed invention.

Claim 17:

The combination of Webcharity and Official Notice, as shown, discloses all of the limitations of claim 14. Webcharity also discloses the following:

- *wherein the third party is a fundraising entity. [See at least the page entitled How WebCharity Item Donation Work]*

Claim 18:

The combination of Webcharity and Official Notice, as shown, discloses all of the limitations of claim 15. Webcharity also discloses the following:

- *providing the charitable or nonprofit entity with information regarding the seller sufficient to allow the entity to generate an acknowledgement for tax reporting purposes. [See at least the page entitled How WebCharity Item Donation Work]*

Claim 19:

The combination of Webcharity and Official Notice, as shown, discloses all of the limitations of claim 15. Webcharity also discloses the following:

- *causing an acknowledgement for tax reporting purposes to be provided to the seller. [See at least the page entitled How WebCharity Item Donation Work]*

Claim 20:

The combination of Webcharity and Official Notice, as shown, discloses all of the limitations of claim 14. Webcharity also discloses the following:

- *wherein said system is adapted to provide said shipping logistics by use of at least one geography-based and time-based strategy. [See at least the page entitled How WebCharity Item Donation Work]*

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15. Claims 8, 12, 21-28, and 32-33 are rejected under 35 U.S.C. 103(a) as being unpatentable over Webcharity in view of Official Notice in view of Salls (US 2002/0152130).

Claim 8:

The combination of Webcharity and Official Notice, as shown, discloses all of the limitations of claim 6. Webcharity does not disclose the following limitation. Salls, however, does disclose the following limitation:

- *wherein the financial logistics comprises conducting a raffle over the computer network.* [See at least the abstract]

It would have been obvious to one skilled in the art at the time of the invention to combine the charity donation system of Webcharity with the raffle of Salls because it provides “a popular and exciting method for a person or a group of people to purchase tickets at a low price, for a chance to win an item of greater value (Salls Paragraph 0006).”

Claim 12:

The combination of Webcharity and Official Notice, as shown, discloses all of the limitations of claim 6. Webcharity also discloses the following limitations:

- *wherein the financial logistics include authorizing an amount of sale on a credit card of the buyer,* [See at least the page entitled How WebCharity Item Donation Work]
- *charging the credit card for the amount of sale,* [See at least the page entitled How WebCharity Item Donation Work]
- *receiving the amount of sale, and* [See at least the page entitled How WebCharity Item Donation Work]
- *transferring at least a portion of the amount of sale to the third party.* [See at least the page entitled How WebCharity Item Donation Work]

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Webcharity does not specifically disclose that the payment method is a credit card. Salls, however, does disclose using a credit card to pay for purchased goods, in at least the abstract. It would have been obvious to one skilled in the art at the time of the invention to combine the charity donation system of Webcharity with the raffle of Salls because it provides "a popular and exciting method for a person or a group of people to purchase tickets at a low price, for a chance to win an item of greater value (Salls Paragraph 0006)."

Claim 21:

Webcharity, as shown, discloses the following limitations:

- *receiving information at an intermediary computer system from a first party and from a plurality of buyers for providing an online marketplace between the first party and the plurality of buyers; [See at least the page entitled How WebCharity Item Donation Work]*
- *presenting a user interface to a computer of the first party for receiving information from a the first party comprising a description of one or more goods offered for raffle, the user interface providing the first party with available options for directing proceeds of the raffle including options for receiving proceeds of the raffle and for donating proceeds from the raffle to a third party; [See at least the page entitled How WebCharity Item Donation Work]*
- *receiving an option to donate proceeds from the raffle selected by the first party via the user interface prior to conducting the raffle; [See at least the page entitled How WebCharity Item Donation Work]*

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- *donating the proceeds from the raffle tickets to the third party on behalf of the first party in accordance with the option selected by the first party. [See at least the page entitled How WebCharity Item Donation Work]*

Webcharity does not disclose a raffle however. Salls in at least the abstract and paragraphs 0006-0008 does disclose using a raffle to raise money for charity. Salls also discloses the following limitations:

- *receiving requests to purchase raffle tickets from a the plurality of buyers over a computer network; [See at least Figures 10-13 and related text]*
- *receiving identification information from the plurality of buyers; [See at least Figures 10-13 and related text]*
- *creating a record of the plurality of buyers weighted according to the number of raffle tickets purchased by each buyer; [See at least Figures 10-13 and related text]*
- *selecting a winner at random from the record; [See at least Figures 10-13 and related text]*
- *notifying the winner; and [See at least Figures 10-13 and related text]*

It would have been obvious to one skilled in the art at the time of the invention to combine the charity donation system of Webcharity with the raffle of Salls because it provides “a popular and exciting method for a person or a group of people to purchase tickets at a low price, for a chance to win an item of greater value (Salls Paragraph 0006).” Webcharity also discloses the seller choosing the percentage of the proceeds to be given to the particular charity on at least the page entitled How Webcharity Item Donations work in step 2. While Webcharity is directed mainly to donating a portion of the proceeds of a sale to charity, it does not explicitly say that that the percentage of the proceeds that the seller enters can not be zero. Therefore, Webcharity allows the option of entering zero percent to the user. However, the Examiner

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takes **Official Notice** that it is old and well known in the auction arts for the seller to maintain all of the proceeds in an auction. It would have been obvious to one skilled in the art at the time of the invention to combine the auction and donation of Webcharity with the zero donation because allows for a reminder to the seller that they have the option of backing out of the donation and keeping all of the proceeds for themselves.

Claim 22:

The combination of Webcharity, Official Notice, and Salls, as shown, discloses all of the limitations of claim 21. Salls also discloses the following limitations:

- *wherein the winner wins goods provided by the first party.* [See at least Figures 10-13 and related text]

It would have been obvious to one skilled in the art at the time of the invention to combine the charity donation system and raffle of Webcharity and Salls with the goods provided of Salls because it provides “a popular and exciting method for a person or a group of people to purchase tickets at a low price, for a chance to win an item of greater value (Salls Paragraph 0006).”

Claim 23:

The combination of Webcharity, Official Notice, and Salls, as shown, discloses all of the limitations of claim 22. Webcharity also discloses the following limitations:

- *wherein the goods comprise event tickets.* [See at least the page entitled Buying: All Categories: Tickets]

Claim 24:

The combination of Webcharity, Official Notice, and Salls, as shown, discloses all of the limitations of claim 22. Webcharity also discloses the following limitations:

- *receiving information from the first party, including the identity of the third party that will receive the proceeds of the raffle; and* [See at least the page entitled How WebCharity Item Donation Work]
- *presenting information to the plurality of buyers that proceeds from raffle tickets purchased will be donated to the third party.* [See at least the page entitled How WebCharity Item Donation Work]

Webcharity does not disclose a raffle however. Salls in at least the abstract and paragraphs 0006-0008 does disclose using a raffle to raise money for charity. It would have been obvious to one skilled in the art at the time of the invention to combine the charity donation system and raffle of Webcharity and Salls with the raffle of Salls because it provides “a popular and exciting method for a person or a group of people to purchase tickets at a low price, for a chance to win an item of greater value (Salls Paragraph 0006).”

Claim 25:

The combination of Webcharity, Official Notice, and Salls, as shown, discloses all of the limitations of claim 24. Webcharity also discloses the following limitations:

- *wherein the third party is a charitable or nonprofit organization.* [See at least the page entitled How WebCharity Item Donation Work]

Claim 26:

The combination of Webcharity, Official Notice, and Salls, as shown, discloses all of the limitations of claim 24. With regard to the limitation of *wherein the third party comprises a political action committee.*, Webcharity discloses the third party being a charity (See at least the page entitled How WebCharity Item Donation Work).

Webcharity does not expressly show:

- *wherein the third party comprises a political action*

However these differences are only found in the nonfunctional descriptive material and are not functionally involved in the steps recited. The information collection and storage steps would be performed the same regardless of the data. Thus, this descriptive material will not distinguish the claimed invention from the prior art in terms of patentability, see *In re Gulack*, 703 F.2d 1381, 1385, 217 USPQ 401, 404 (Fed. Cir. 1983); *In re Lowry*, 32 F.3d 1579, 32 USPQ2d 1031 (Fed. Cir. 1994). Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made for the third party to be any type of entity because the type of entity does not functionally relate to the steps in the method claimed and because the subjective interpretation of the data does not patentably distinguish the claimed invention.

Claim 27:

The combination of Webcharity, Official Notice, and Salls, as shown, discloses all of the limitations of claim 24. Webcharity also discloses the following limitations:

- *wherein the third party is a fundraising entity.* [See at least the page entitled How WebCharity Item Donation Work]

Claim 28:

The combination of Webcharity, Official Notice, and Salls, as shown, discloses all of the limitations of claim 25. Webcharity also discloses the following limitations:

- *causing an acknowledgement for tax reporting purposes to be provided to the first party.* [See at least the page entitled How WebCharity Item Donation Work]

Claim 32:

The combination of Webcharity, Official Notice, and Salls, as shown, discloses all of the limitations of claim 21. Salls also discloses the following:

- *wherein the record is created by sequentially assigning numbers to the plurality of buyers based on the number of tickets purchased by each buyer, wherein a winner is selected by generating a random number between one and the total number of tickets sold, and wherein the winner is the buyer corresponding to the random number.* [See at least figures 1 and 10 and related text.]

It would have been obvious to one skilled in the art at the time of the invention to combine the charity donation system and raffle of Webcharity and Salls with the winner generation of Salls because it provides “a popular and exciting method for a person or a group of people to purchase tickets at a low price, for a chance to win an item of greater value (Salls Paragraph 0006).”

Claim 33:

The combination of Webcharity, Official Notice, and Salls, as shown, discloses all of the limitations of claim 21. Webcharity also discloses the following limitations:

- *wherein the winner is notified over the computer network.* [See at least the page entitled How WebCharity Item Donation Work]

16. Claims 29-31 are rejected under 35 U.S.C. 103(a) as being unpatentable over Webcharity in view of Official Notice in Salls in view of Shakib et al (US 5,752,025), hereinafter Shakib.

Claim 29:

The combination of Webcharity, Official Notice, and Salls, as shown, discloses all of the limitations of claim 21. Salls also discloses the creation of a ticket purchaser database in at least Figures 1-9 and related text. The combination of Webcharity and Salls does not disclose *the record is created by entering the plurality of buyers into a spreadsheet*. Shakib, however, in at least Figures 1-2, 5, and related text does disclose categorizing received information into spreadsheets. It would have been obvious to one skilled in the art at the time of the invention to combine the charity donation system and raffle of Webcharity and Salls with the spreadsheet of Shakib because it easily, quickly, and conveniently allows the individual conducting the raffle to keep the record organized, accurate, and complete.

Claim 30:

The combination of Webcharity, Official Notice, Salls, and Shakib, as shown, discloses all of the limitations of claim 29. Salls also discloses the creation of a ticket purchaser database in at least Figures 1-9 and related text. The combination of Webcharity and Salls does not

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disclose *wherein each buyer occupies a number of rows in the spreadsheet corresponding to the number of tickets purchased by that buyer*. Shakib, however, in at least Figures 1-2, 5, and related text does disclose categorizing received information into spreadsheets that are organized by like information into rows. It would have been obvious to one skilled in the art at the time of the invention to combine the charity donation system and raffle of Webcharity and Salls with the spreadsheet of Shakib because it easily, quickly, and conveniently allows the individual conducting the raffle to keep the record organized, accurate, and complete.

Claim 31:

The combination of Webcharity, Official Notice, Salls, and Shakib, as shown, discloses all of the limitations of claim 30. Salls also discloses the following:

- *wherein the step of selecting a winner comprises generating a random number between one and the total number of tickets sold, [See at least figures 1 and 10 and related text.]*
- *and wherein the winner is the buyer occupying the row in the spreadsheet corresponding to the random number. [See at least figures 1 and 10 and related text.]*

It would have been obvious to one skilled in the art at the time of the invention to combine the charity donation system and raffle of Webcharity and Salls with the winner generation of Salls because it provides “a popular and exciting method for a person or a group of people to purchase tickets at a low price, for a chance to win an item of greater value (Salls Paragraph 0006).” Shakib also discloses matching items in a spreadsheet by corresponding values. It would have been obvious to one skilled in the art at the time of the invention that the winning number that is generated could be compared to the corresponding values in the spreadsheet. It would have been obvious to one skilled in the art at the time of the invention to combine the charity donation system and raffle of Webcharity and Salls with the spreadsheet of Shakib

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because it easily, quickly, and conveniently allows the individual conducting the raffle to keep the record organized, accurate, and complete.

17. Claims 34-35 are rejected under 35 U.S.C. 103(a) as being unpatentable over Webcharity in view of Official Notice in view of Salls in view of Petras et al (US 2001/0047290), hereinafter Petras.

Claim 34:

The combination of Webcharity, Official Notice, and Salls, as shown, discloses all of the limitations of claim 33. Salls, as shown above, also discloses notifying a winner of a raffle in at least figure 13 and related text. The combination of Webcharity and Salls does not disclose *the winner is notified by automatically generating an email to the winner*. Petras, however, in at least paragraph 220 does disclose notification by email. It would have been obvious to one skilled in the art at the time of the invention to combine the charity donation system and raffle of Webcharity and Salls with the notification by email of Petras because it allows the individual who is conducting the raffle to easily and quickly inform the winner of the prize.

Claim 35:

The combination of Webcharity, Official Notice, and Salls, as shown, discloses all of the limitations of claim 33. With regard to the limitation of *the winner is notified by automatically generating an instant message to the winner*. Salls, as shown above, also discloses notifying a winner of a raffle in at least figure 13 and related text. The combination of Webcharity and Salls does not disclose notifying the winner electronically. Petras, however, in at least paragraph 220 does disclose notification by email. It would have been obvious to one skilled in the art at the time of the invention to combine the charity donation system and raffle of Webcharity and Salls with the notification by email of Petras because it allows the individual who is conducting the raffle to easily and quickly inform the winner of the prize.

Salls and Petras do not expressly show:

- *the winner is notified by automatically generating an instant message to the winner.*

However these differences are only found in the nonfunctional descriptive material and are not functionally involved in the steps recited. The steps would be performed the same regardless of the type of notification. Thus, this descriptive material will not distinguish the claimed invention from the prior art in terms of patentability, see *In re Gulack*, 703 F.2d 1381, 1385, 217 USPQ 401, 404 (Fed. Cir. 1983); *In re Lowry*, 32 F.3d 1579, 32 USPQ2d 1031 (Fed. Cir. 1994). Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made for the type of notification to be any type of notification because the type of notification does not functionally relate to the steps in the method claimed and because the subjective interpretation of the data does not patentably distinguish the claimed invention.

Conclusion

18. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

- Horn – US 2002/0116214: Automated Fundraising Accounting System
- Bednar – US 2003/0230892: Method of Charitable Fund Raising Utilizing Pseudo Securities

Any inquiry of a general nature or relating to the status of this application or concerning this communication or earlier communications from the Examiner should be directed to **Stephanie M. Ziegler** whose telephone number is **571.272.4417**. The Examiner can normally be reached on Monday-Friday, 6:30am-3:00pm. If attempts to reach the examiner by telephone are unsuccessful, the Examiner's supervisor, **KAMBIZ ABDI** can be reached at **571.272.6702**.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://portal.uspto.gov/external/portal/pair> <<http://pair-direct.uspto.gov>>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at **866.217.9197** (toll-free).

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/Stephanie Ziegler/ Examiner, Art Unit 3684
29 October 2009
/Susanna M. Diaz/
Primary Examiner, Art Unit 3684